

POLITICAL ORGANIZATION.

NO trace of the early organization is to be found in the county records. The large tract of country comprised in the area between the western bounds of the present county of Crawford and the Kaskaskia River, originally, did all county business at Palestine. Gradually the line of settlements following up the river, reached this territory, and Fayette County was formed. Subsequently, Effingham and Jasper were organized. Until about 1820, the territory between the line of Fayette and Crawford seems to have had no settled population, the tide of emigration flowing into this region along the lines of the two rivers, and gradually extending inland from these points, east and west. There was probably some sort of precinct organization, which included all this unorganized territory, but it is not until 1834, that any hint of the modern organization is found. In June of this year, the Commissioners of Crawford County, on the petition of "sundry inhabitants," established the precinct of Newton, with the voting place at Newton. This was done in June, 1834, and W. M. Richards, David Phillips, and Benjamin Lamb, appointed judges of election. The first vote at this point was taken in January, 1834. This was under the administration of Crawford County. In January, 1835, the election was held here to elect the first officers for the new county, in pursuance of the organizing act of the legislature, as noted before.

County-seat.—In the absence of the report of the Legislative Commissioners, tradition must be relied upon for the facts concerning the location of the county-seat. There was no competition. L. W. Jordan, either from shrewd foresight, or because of the natural attractions of the locality, entered, in 1831, the west half of the northeast quarter of Section 1, Township 6 north, Range 9 east, and the northwest quarter of the same section. This entry covered the geographical center of the new county, or the only available spot for a town, near that center. On the formation of the county, Jordan offered the twenty acres required by law, as a site for the new county-seat. This was accepted without delay, as the Commissioners were only two days in settling the question. But two of them were present, and each one was paid some months later six

dollars for his services. At this time there were but one or two houses near the site of the village, Benjamin Lamb having entered land on the same section in 1832.

ACTS OF THE COUNTY COMMISSIONERS.

The County Commissioners having been duly elected, proceeded at once to set the machinery of government in motion, holding a special session in February, 1835. The following copy of their records will give some idea of the routine and character of the business first transacted:

“ FEBRUARY 2, 1835.

“ At a special term of the County Commissioners' Court of the County of Jasper, and State of Illinois, began and held at the house of Lewis W. Jordan, was present W. M. Richards, Geo. Mattingly and Frederick W. H. Claycomb, Esqs., County Commissioners, after taking an oath according to law, the court being regularly opened by the Sheriff, according to law, the court hereby appointed John Barnes, Clerk of said court; he filed his bond with approved security in the words and figures following (then comes the bond with penalty of \$1,000). The bond was approved, Barnes took the oath and court adjourned till court in course.

“ March term Commissioners' Court, first day, 1835. Commissioners all present as above, and Lewis W. Jordan, Sheriff, and James Barnes, Clerk. The Board proceeded to lay off the county into voting precincts, as follows:

“ Newton Precinct—Beginning at the north line of the county, at the head of Crooked Creek, where the county line crosses said creek, thence down said creek to the mouth, thence due west, to the west line of said county, thence north along the Jasper county line, to the northwest corner of the county, thence east to the place of beginning, and to be known by the name of Newton Precinct.

“ Ordered, That the following boundaries shall compose Claycomb Precinct—Beginning at the Jasper county line, where it crosses Crooked Creek, thence east to the northeast corner of said county, thence south on the county line to where the county line last leaves the North Fork of the Embarrass River, thence down the North Fork to the Embarrass River, thence up said river to the mouth of Crooked Creek, thence up the same to the place of beginning, and shall be known by the name of Claycomb Precinct.

“ Ordered, That the following boundaries shall compose Price Precinct—Beginning at the southeast corner of the county, thence

north to the North Fork, thence down said stream to the Embarrass River, thence up the same to the mouth of Crooked Creek, thence west to the county line, thence south to the southwest corner of the county, thence east to the place of beginning, and shall be known by the name of Price Precinct.

“Ordered, That court adjourn until to-morrow morning, at 10 o'clock.

WILLIAM M. RICHARDS, GEORGE MATTINGLY, F. W. H. CLAYCOMB,	}	Commissioners.
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“March term Commissioners' Court, second day, 1835.

“Court met pursuant to adjournment. Present as yesterday.

“Ordered, That the place of holding the election for Newton Precinct shall be at the house of Lewis W. Jordan, and John Garwood, Benjamin Lamb, and Levi Lee, be, and they are hereby appointed judges of election for Newton Precinct.

“Ordered, That Absalom Eaton, Jas. Miller and Benjamin Eaton, be, and they are hereby appointed judges of election for Claycomb Precinct, and that the place of holding said election, shall be at the house of F. W. H. Claycomb.

“Ordered, That William Brownfield, James Jordan and William Price, be, and they are hereby appointed judges to hold the election for Price Precinct, and that the place of holding the election shall be at the house of George Mattingly.

“Ordered, That Thomas M. Loy, be, and he is hereby appointed Surveyor, to survey twenty acres of land for the town of Newton (for the sum of \$25, and the Commissioners furnish chain-carriers and stake-drivers), according to the plan laid down by the court, filed in the Clerk's office for Jasper County.

“Ordered, That Timothy Garwood, be, and he is hereby appointed Treasurer for Jasper County, he having filed his bond and approved security. The Commissioners then laid off the county into three road districts and appointed Supervisors for the same.

“Ordered, That the following named persons be summoned by the Sheriff, as grand jurors at the first term of Circuit Court, to-wit: Absalom Eaton, James Miller, Henry Walls, Benjamin Eaton, William Owens, William Chastain, John Robbins, Joseph Snider, Benjamin Lamm, John Garwood, Luke Courtright, Andrew Douglas, Samuel Henry, David Henry, James Jordan, Wm. Price, Job Catt, Wm. Brownfield, James Jenkins, Province Rowlings, Wm. Davis, Jr., Benjamin Yates and L. D. Wade—total, 23.

“And the following named persons be summoned to serve as petit jurors at the same time, to-wit: Wm. Davis, Jr., Isaac Allison, Andrew Everman, Samuel Miller, Abbott Lee, Jas. Wheeler, Harrison Wheeler, Thomas Manning, John Harman, Abraham Snider, Wm. Peterson, Thos. Garwood, Samuel Garwood, Jesse M. Heard, Simon Cate, Moses Preston, Howard Yates, Robert Yates, Asa Hamilton, Lewis Mattingly, John Yates, Nathan Powell, William Lee, and Nathan Garwood. Court then adjourned until 10 o'clock to-morrow.

“Third day—Full Board present.

“Ordered,—That the following named property be subject to taxation, to-wit: Horses of all ages, cattle of all ages, hogs, sheep, goats, watches, clocks, wagons, pleasure carriages, bureaus, desks, cupboards, town lots, stock in trade and mechanics' tools. Ordered,—That there shall be one-half per centum to the dollar on the aforesaid property.

“Ordered,—That there be an election held at the different voting places in Jasper County, Ill., on the fourth Monday of March next, for the purpose of electing two Justices of the Peace and two Constables for each precinct. Court adjourned.”

Special term Commissioners' Court, March 25, 1835. The following claims were presented and allowed:

Thomas M. Loy, for surveying and platting of Newton.....	\$25 00
Jesse Barnes, for carrying chain for above.....	1 87½
Benj. Vannetta, for carrying chain, etc.....	1 87½
Sam'l Garwood, “ “ “.....	1 12½
N. Garwood, “ “ “.....	1 12½
T. Garwood, for stake driving.....	3 00
Total.....	\$34 00

This day, Thomas M. Loy presented a plat of Newton, which was received by the Commissioners. The Commissioners appointed Lewis W. Jordan, James Jordan and Province Rowlings, viewers, to locate a road from the Lawrence county line, where the Shelbyville State road strikes said line, to Newton, by way of James Jordan's, on Fox, thence to Coles county line, at or near the old crossing of Muddy Creek, on a direction to Charleston. (This was the first road laid out by our county authorities). Board adjourned.

Special meeting of Commissioners' Court, May 2, 1835. John Barnes was appointed agent for the county, to sell and convey all the town lots in the town of Newton, and to transact all other business for the county. Adjourned.

June term Commissioners' Court, 1835. First day.—Lewis Jordan appointed Commissioner to take census of Jasper County.

Ordered,—That a jury be summoned to examine a mill seat on the Embarrass River, at Garwood's shoals, and to make report at next term of Commissioners' Court, of the amount of damages sustained. Court adjourned.

Second day.—Viewers that had been appointed to view the road spoken of above, reported, telling how it should run, etc. Board made new road district (No. 4), and appointed James Jenkins Supervisor for the same.

Special term, June 12, 1835. John Barnes allowed \$15, to be paid out for record books. Lewis W. Jordan and James Jordan allowed \$470, for building jail for Jasper County. Also, Lewis W. Jordan, James Jordan and Province Rowlings, \$3 each for services as road viewers.

August 5, 1835. Timothy Garwood, Treasurer, returned to Clerk (John Barnes) the amount of tax assessed by him (Garwood) in the county. Amount of property tax, \$52.25 $\frac{3}{4}$, and \$11.83 $\frac{1}{2}$ land tax—total, \$64.09 $\frac{1}{4}$, which amount was charged to the Sheriff (Lewis W. Jordan).

September term of Commissioners' Court. The following accounts were allowed:

Timothy Garwood, allowed for taking list of taxable property in the county.....	\$9 00
Same man, services as clerk of election, for three days	1 50
Thos. B. Loy, for clerk one day at sale of town lots.....	1 00

Others allowed fifty cents per day for acting as judges and clerks of election. Adjourned.

Second day. Report of jury to see what damage the mill-dam at Garwood's shoals would be, reported that there would be no damage thereby, and the Board gave Mr. Thomas Garwood the privilege of building said dam to the height of five feet, and he is compelled to make a lock to said dam when the Commissioners require it. Another Grand and Petit Jury were ordered summoned. Adjourned.

December term (First Monday), 1835. Benjamin Leamon granted license to vend and sell merchandise, at his house in Jasper County, for one year from October 31, 1835; license fee, \$5, Clerk's fee, \$1. Fiscal concerns of the county of Jasper stand as follows:

Dr.

Orders issued to different parties to the amount of..... \$493 25

C R.	
Notes on different parties to the amount of.....	\$162 00
Luke Courtright, paid a fine of.....	3 00
Job Catt, .. "	3 00
Amount paid to John Barnes.....	7 00
" taxes charged to Sheriff.....	52 25
" sale of stray horse.....	75 75
" sale of stray ox.....	8 00
" received of B. Harman for license.....	5 00—316 00

Total receipts.....	\$316 00
Balance indebtedness of county.....	\$177 25

Adjourned.

Second day.—George Mattingly allowed \$15, for ten days' services as County Commissioner.

Ordered,—That court adjourn until court in course.

W. M. RICHARDS, GEORGE MATTINGLY, L. D. WADE,	}	Commissioners.
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March term Commissioners' Court of Jasper County, held in the court-house on the first Monday of March, 1836. (This is the first time a court-house has been mentioned. The court-house was a small house that stood in the brush, on the lot known as the Dr. Walker Corner, and is now owned by Judge Gibson. The house was used for court-house, schoolhouse and church house, but the county authorities controlled it, and allowed it to be used for the above purposes). Full Board present. New Supervisors were appointed for the Fourth Road District, and the Supervisors requested to call on every able-bodied man subject to road labor, to work five days on the highways of their district. Viewers were appointed to view and locate a road from the public square in Newton, Ill., by Garwood's Ferry on the Embarrass River, on the nearest and best route to the Coles County line, in the direction of Greenup, in Coles County. Viewers were appointed to view and locate a road from our public square to the Effingham County line, in the direction of Ewington, in said county.

Ordered,—That two sets of jurymen be summoned, etc.

John Barnes was granted license to keep a tavern at his house in Newton. License, \$2.50; and to pay Clerk's fee, license to date February 3, 1836.

Ordered,—That the following shall be the rates to be charged by tavern-keepers in Jasper County:

For keeping horse all night.....	\$0 25
“ single feed for horse.....	12½
“ meals of victuals.....	25
“ bed for man.....	6½
“ board by the week.....	1 50
“ French brandy by the pint.....	50
“ “ “ “ half-pint.....	25
“ “ “ “ gill.....	6½
“ “ “ “ dram or drink.....	6½
“ Rum, same as above.	
“ Holland gin, same as rum.	
“ Cordial, same price.	
“ Wine, same price.	
“ American brandy by the pint.....	25
“ “ “ “ half-pint.....	12½
“ “ “ “ gill.....	6½
“ “ “ “ dram or drink.....	6½
“ Whisky, same price as American brandy.	

John Barnes was granted license to sell and vend merchandise at his house, to commence February 3, 1836; fee, \$5 and Clerk's fee. Adjourned.

Second day.—John Barnes allowed for one year as Clerk, \$15; Lewis W. Jordan, for one year *ex-officio* Sheriff, \$15; Timothy Garwood re-appointed County Treasurer. Bond filed, with approved security; bond approved.

The Treasurer reported having received during the year.....	\$115 92½
The Sheriff pays over this day the amount of taxes due.....	47 80
Also, the amount received on sale of estray horses.....	58 37½

Total in the Treasury..... \$222 10

June term, 1836—June 25, 1836. Timothy Garwood, Treasurer, returned amount of assessment, which was \$91.84¼; amount charged to Sheriff.

September term, 1836. Timothy Garwood allowed \$9 for listing the tax of the county. Thomas Addison granted license to keep a tavern at his house in Newton; fee, \$2.50 and Clerk's fee.

Ordered,—That two sets jurors be summoned for next term of court.

Second day—Rates set again for tavern charges, same as before, except board by the week left out, and cherry bounce added, at same price as rum.

December term, 1836—First day. Benj. Lamm granted license to keep a tavern at his house, in Jasper County, Ill., by his paying \$1 and Clerk's fee; also, license to sell and vend merchandise for one year, for \$5 and Clerk's fee.

Second day—A lot of claims for acting as judges and clerks of elections, allowed at fifty cents per day, and other accounts.

TOWNSHIPS AND VOTING PRECINCTS.

At the June session of 1839, the county was again districted. Heretofore the three election precincts had served for all the official purposes, but in this year the Commissioners divided the county into Justices' districts, with a "whereas" as follows: "That whereas, the county of Jasper not having been divided into Magistrates' districts, and it becoming necessary for it to be done, it is therefore

"Ordered,—By the court that the following boundary compose a Justice's district, to be called Newton District: Commencing on the Embarrass River, at the mouth of James Jordan's branch, running up said branch to the section two miles south of the township line dividing Townships 6 and 7; thence a due west course to the county line; thence north along said line to the northeast corner of the county; thence east along the county line to the Embarrass River; thence down said river to the place of beginning;—and the place of holding elections in said district shall be the town of Newton.

"Ordered,—That the following boundary compose a Magistrates' district, to be called Saint Marie District: Commencing at the mouth of James Jordan's branch, on the south side of the Embarrass River, thence up said branch to section line two miles south of the township line dividing Townships 6 and 7; thence running a due west course to the county line; thence south along said line to the southwest corner of the county; thence east along the county line to the Embarrass River; thence up said river to the place of beginning;—and the place of holding election in said district shall be at the house of Joseph Picquet, Esq.

"Ordered,—That the following boundary compose a Justice's district, to be called Crooked Creek District: Commencing on the Embarrass River, one mile north of the township line dividing Townships 6 and 7; thence up said river to the county line; thence along said line to the northeast corner of the county; thence south along said line to a section line within one mile of the township line, dividing Townships 6 and 7; thence west along said line to the place of beginning;—and that the place of holding elections in said district shall be at the house of Aaron Vannatta."

The whole county was thus divided into three districts for the election of Justices of the Peace, somewhat differing in their boundaries from the precincts. But at this time the name of Price Pre-

cinct was changed to Saint Marie, and the place of holding elections transferred from Mattingly's house to that of Picquet. Crooked Creek District was also made at this time a general election precinct. By this division of the county, however, there was a portion of the county east of the Embarrass River left unprovided for, and in the following September it was ordered by the Commissioners that a district be erected to be called Eaton's District, with the following boundaries: "Commencing at the Embarrass River, one mile north of the township line dividing Townships 6 and 7; running thence east to the center of the prairie lying between Crooked Creek and the North Fork; thence north to the county line; thence east to the northeast corner of the county; thence south along the county line to the southeast corner of the county; thence west along the line of the county to the Embarrass River; thence up said river to the place of beginning;—and that the place of holding elections in said district shall be at the house of W. G. Ryan." At the same time the name of the Claycomb Precinct was changed to Eaton. This legislation sufficed until the June session of 1841, when George Dowthet presented a petition in behalf of himself and others, asking for the erection of a new precinct. This petition represented "that the people of the southwest corner of the county, which includes the neighborhood called Muddy, live at a great distance from the polling place, and are frequently prevented from attending elections," etc. It was therefore ordered by the Commissioners that an election precinct be erected and called Dowthet Precinct. What its exact limits were, are not recorded. In the following June an additional Justice's district was formed, commencing at the county line which divides the counties of Crawford and Jasper at a point due east of William Everman's, in said county, running from thence west to the west line of Range 11 east; thence north with said line to the county line, which line shall be the eastern line of Crooked Creek Precinct; thence east to the northeast corner of the county; thence south along the county line to the place of beginning; which shall be called Clements Precinct, and the place of holding elections in said precinct shall be at O. Clements'.

At the same time, Island Grove Precinct, with the voting place at the house of Courtland Vandibee, and the North Fork Precinct, with the voting place at the house of O. Clements, were erected. The seven precincts thus erected sufficed for five years, when the county was entirely re-districted, June 1847, as follows: Saint Marie:—"Commencing at the southeast corner of the county, running thence

north with the county line to the Township line between Townships 6 and 7; thence west with the township line to the northwest corner of Section 4, in Township 6 north, Range 10 east; thence south with the section line to the county line; thence east to the place of beginning."

Newton:—"Commencing on the county line at the southeast corner of Section 20, in Township 5 north, Range 10 east; thence north with the section line to the southeast corner of Section 17, in Township 7 north, Range 10 east; thence west to the range line between Ranges 9 and 10; thence north with said line to the township line between Townships 7 and 8; thence west with the township line to the range line between Ranges 8 and 9; thence south with the range line to the county line; thence east to the place of beginning."

Muddy:—"Commencing on the county line at the southeast corner of Section 24, in Township 5 north, Range 8 east, running thence west with the county line to the southwest corner of the county, thence north with the county line to the northwest corner of Section 19, in Township 7 north, Range 8 east; thence east to the range line between Ranges 8 and 9; thence south to the place of beginning."

Island Grove:—"Commencing at the northwest corner of the county, thence east to the Embarrass River; thence down said river to the township line between Townships 7 and 8; thence west with the township line to the range line between Ranges 8 and 9; thence south to the southeast corner of Section 13, in Township 7 north, Range 8 east; thence west to the county line; thence north to the place of beginning."

Crooked Creek:—"Commencing on the township line between Townships 6 and 7, at the southeast corner of Section 36, in Township 7 north, Range 10 east, running thence west to the southeast corner of Section 32, in Township 7 north, Range 10 east; thence north with the section line to the northeast corner of Section 20, in Township 7 north, Range 10 east; thence west with the section line to the range line between Ranges 9 and 10; thence north to the township line between Townships 7 and 8; thence west to the Embarrass River; thence up said river to the county line; thence to the range line between Ranges 10 and 11; thence south to the place of beginning."

North Fork:—"Commencing on the county line at the range line between Ranges 10 and 11, running thence with the county line to the northeast corner of the county; thence south with the county

line to the township line between Townships 6 and 7; thence west with the township line to the range line between Ranges 10 and 11; thence north to the place of beginning."

Five years later the population of Newton Precinct became so numerous and widely scattered, that Woodford, Gambriel and sundry citizens, petitioned for a new election precinct. This petition was granted and the following boundaries fixed for the new precinct: "Commencing at the southwest corner of Section 22, Township 5 north, Range 8 east, on the county line, running thence east along the county line to the range line between Ranges 9 and 10; thence north with said range line to the township line between Townships 5 and 6; thence west with the township line to the northwest corner of Section 3, in Township 5 north, Range 8 east; thence south with the section line to the place of beginning." This was called Smallwood Precinct, and the place of holding elections established at the house of Samuel Smallwood. In September of the same year (1852), on petition of John Roberts and others, Jackson Precinct was formed as follows: "Beginning at the county line at the northeast corner of the southeast quarter of Section 15, Township 7 north, Range 14 west; thence west to the range line dividing Ranges 10 and 11; thence south along said range line to the southwest corner of Section 7, Township 6 north, Range 11 east; thence east along the section line to the southeast corner of Section 10, Township 6 north, Range 14 west, at the county line; thence north along the county line to the place of beginning." The place of holding elections was established at the house of Wm. Ping. At the same time Hill Creek Precinct was erected, its boundary "beginning on the county line on range line between Ranges 8 and 9, at the northeast corner of Section 1, Township 8 north, Range 8 east, thence east on the county line to the Embarrass River, thence down the meanderings of the river to the township line between Townships 7 and 8; thence west with the township line to the southwest corner of Section 34, Township 8 north, Range 8 east; thence in a northeastwardly direction to the southeast corner of Section 1, Township 8 north, Range 8 east; thence north to the place of beginning." This divided Island Grove into two queerly-shaped precincts, which were suggested by the course of streams. These, though insignificant now, often prevented voters in an early day from reaching the polls, when the whole territory formed one precinct. Muddy Precinct was also reconstructed so as to form a long parallelogram on the west side of the county, extending from

Island Grove to the southern boundary of the county, and three sections wide. Grandville Precinct was formed at this time and comprised the same territory as at present, save that its east and west dimension was one mile shorter.

In March of 1854, Mr. Bolinger and others, petitioned for a new precinct to be called Kickapoo. This petition was granted, and a small precinct of twenty-one sections, in center of which was located the village of "Brockville," was erected. In 1858, Muddy Precinct was divided and reconstructed, so that Township 7 north, in Range 8 east, and the northern half of Township 6, in the same range, formed North Muddy, and the balance of the range to the southern county line, formed the South Muddy.

There seem to have been other considerations that the necessity of the situation brought to bear upon many of these precinct changes. A feeling had arisen as early as 1848, that the county-seat exercised an undue amount of influence upon the affairs of the various outlying precincts, and the people of Saint Marie, especially, felt that the county-seat was thriving at the expense of its more commercial rival. Under the old *regime* of Commissioners and County Court, with the Clerk and Sheriff strongly identified with Newton interests, it was not difficult for the county-seat influences to secure a majority of the board favorable to their plans. In this way Saint Marie found it difficult to secure such appropriations which she felt was due to the part she bore in the finances of the county. The result of this dissatisfaction was the agitation for "township organization," and in November, 1849, the question was submitted to a vote of the people. There was, of course, a decided opposition to this departure from the old customs, on the part of the ruling faction, and the question was carried by the meagre majority of 142 to 132. Anderson Arnold, George Mitchell and Joseph Schifferstein, were appointed Commissioners to divide the county into townships, preparatory to the election of Supervisors, etc. This Board reported the boundaries of six townships, North Fork, Marion, Island Grove, Polk, Muddy and Saint Marie, but here the matter ended. The Clerk at that time was noted for his reckless assumption of authority, and was, of course, opposed to the change. Some irregular technicality was discovered, the opinion of the Attorney General was had, and the whole matter quietly placed upon the shelf "among the rubbish of forgotten things." Thus the matter stood until September of 1859, when a petition, signed by one hundred and twenty-seven citizens, praying that the question of "town-

ship organization" be again submitted to the people. In the following November the matter was brought to vote, and affirmed by a considerable majority, and in December, A. S. Harris, J. B. Denman and Joseph Schifferstein, were appointed to divide the county into townships. This committee reported the boundaries of nine townships: Grove, Crooked Creek, Grandville, Willow Hill, Wade, North and South Muddy, Smallwood and Saint Marie.

The boundaries of these townships were reported substantially as they are found at present, save in the case of Saint Marie. This originally comprised the territory of Fox as well as its own. It was a large and unwieldy organization, and it was not long before the citizens of the western part found the size a matter of considerable inconvenience. In December, 1867, a little more than five sections of its territory was struck off to Willow Hill to equalize the burden of grading the "bottom road." In 1871, a petition was presented to the Board of Supervisors by the citizens of the west side of Saint Marie Township, through their attorney, asking for a division of the township. This was met by a vigorous remonstrance, and the petition was eventually rejected. On January 15, 1875, the effort to secure a division was renewed, and a petition praying for the erection of a township to be called Union, or such other name as the Board might think appropriate, was granted. This was not done, however, without vigorous opposition. The case was finally adjudicated in the State Supreme Court, and as the history of the whole matter is given in the court's decision, it is given here in full:

"The Board of Supervisors of Jasper County, on the 15th of January, 1875, made an order establishing a new township from territory taken from Saint Marie Township, in that county. The Board appointed plaintiffs in error judges of election of the township thus created, for the choice of town officers. To prevent plaintiffs in error from performing their duty, and holding the election, this bill was filed, and a temporary injunction granted, restraining them from acting as such judges, until the consent of the people to such division should be obtained from the majority of the electors, at an annual election in the original township. At the spring term, 1875, of the Circuit Court, a hearing was had, and the injunction rendered perpetual. To reverse that decree, the record is brought to this court, and various errors have been assigned.

"It is urged that the whole question in the case turns upon the construction of the twenty-sixth section of the Township Organization Law. (R. S., 1874, p. 1069.) The section confers ample power

and jurisdiction upon the County Board to alter the boundaries of towns, to change town lines, and to divide, enlarge and create new towns in their respective counties, to suit the convenience of the inhabitants residing therein. The section also provides for the amount of territory which the new town shall embrace, the number of voters it shall contain, for a petition to be presented, etc. To this section is added this proviso: '*Provided*, that no incorporated town shall be divided, except consent thereto is given by a majority of all the electors voting at a general election in said town—notice that the question of dividing said town will be submitted to the legal voters thereof having been given by the County Clerk, at the same time and in the same manner as the notice of said general annual election.'

"The question presented is, where and by whom is the election to be had? Is it by the incorporated town or village, by the township as it was before the division, or by the electors in the territory proposed to be erected into a new township? This proviso is not free from obscurity and doubt, as to the true meaning of the language employed. It seems to be obvious that the division of an incorporated town or village cannot be had by changing township lines, by enlarging or dividing the township, or the creation of a new township, without the vote provided for by the proviso. The language seems to embrace each and every one of these contingencies.

"Where the County Board proposes to enlarge a township, two of these bodies are directly interested in the division, and yet, if the proviso was intended to embrace such a case, but one township would be embraced by the language of the proviso, and it would be unknown which, nor could we conjecture which was intended. And if the townships were intended to vote, it would have specified whether both or which one, should consent to the enlargement. So of the change of the township lines.

"Again, the townships are designated as towns, but the village is designated as an incorporated town by this section. The fact that this difference in the terms employed was used, would manifest a design to make a broad distinction of the subjects embraced by each. Whilst the word 'town' is sometimes employed to designate a township, the term 'incorporated town' is seldom, if ever, employed to embrace such a body. According to the canons of construction, ordinary terms must be held to have been used in their general and popular sense. We must, therefore, conclude that the proviso only requires an election held in case an incorporated town or village is

to be divided by the alteration of the township line, the alteration, the division, or the formation of a new township, and the words 'said town' employed in reference to the election and notice, as used in the proviso, must be held to apply to an incorporated town or village. It then follows, that in such case the election can only be held in the incorporated town or village. It was the design of submitting the question, whether the incorporated town or village should be divided, to the voters of that municipality, before the order of the County Board could become operative. No such incorporated town having been divided by the order of the County Board in this case, no election was required to be held, and the order of the Board became operative by its own force.

"We are fortified in this construction from the fact that, in organizing townships, in the first place the inhabitants have no right to vote, although fractional townships may be added to others. It would, therefore, seem that the General Assembly have only provided that a vote shall be had when it is proposed to divide an incorporated town or village, and that the voters therein shall alone vote on the question of the division.

"But according to the repeated decisions of this court, the power to hold an election is political and not judicial; hence, a court of equity has no power to restrain officers from the exercise of such powers. (Citations.) These cases fully establish this doctrine and further discussion of the rule is deemed wholly unnecessary, as we perceive no reason to overrule, modify, or change the rule. We regard it firmly settled.

"From what has been said, it will be seen that the court had no jurisdiction to decree an injunction, and, had the power existed, the decree rendered would have been erroneous, and it must be reversed and the bill dismissed. *Decree reversed.*" This decision was rendered in the June term, 1876, and in the following December, Fox Township completed its organization and became one of the political divisions of the county. The present status of the townships taken from Johnson's historical sketch is as follows:

"Grandville Township, in the northeastern corner of the county, is eight miles north and south by about five and three-fourths miles east and west, and contains about forty-five square miles, about half of which is beautiful prairie and is nearly all in cultivation, with some very fine farms in the timber and some very large and fine farms on the prairie. Mr. G. W. Jeffers, who lives in the southeast part of the township, in the edge of the timber, has a fine, large farm with

good buildings thereon, and there are several large and beautiful farms west of him, on the prairie. The township is well furnished with school and church houses. The first settlers that can at present be given, were J. Shook and Adam Owry, about the year 1832, then the Leamonsons, about 1837, and many others, until 1880 they had in the township 1,462 souls, with personal property valued at \$47,462, real estate, \$150,474, total, \$197,936; their votes stood, Democratic, 138, Republican, 146, Greenback, 15—total, 299. Dr. J. M. Barlow is supposed to be the heaviest man—his weight is 240 pounds; G. Leamon the tallest, height six feet one inch; Granny Shacklee the oldest person, aged eighty-two years; Samuel Simpson is seventy-eight years.

“ Going west, adjoining Grandville, comes Crooked Creek Township, which is seven and one-half miles north and south, and averages about seven and three-quarter miles east and west (the west line runs partly with the Embarrass River, which makes it crooked), and contains about fifty-seven square miles and has a fine prairie running north and south through the center of the township. It is all under fence except part of the timber land or some of the river bottom lands. There are as many, if not more, nice farms and good farmers in this, than any other township in the county. They have four church houses, thirteen schoolhouses, and in 1880 they had a population of 2,015, which voted, Democratic, 283, Republican, 151, Greenback, 24—total, 458; had personal property valued at \$79,779, real estate, \$261,328—total, \$341,107. Some of the first settlers were Jesse M. Herd, who settled in the township in 1834, lived there about ten years and then moved west. He was a hunter, and the county was settling up too fast. Next came the Vannettas, McCleaves and John Swick, in the years 1835-36. Mr. Swick is the only one of the above yet living in the township, the others having moved off or died. Mr. S. is now eighty years old, and has lived in the township all the time since 1836. Mr. Swick and Miss Rachel Barnes were the first couple married in the township. The first person known to die in the township was a Miss Mawk. Mr. Swick made the coffin by hewing it out of a big log, there being no such thing as sawed lumber then. In 1837-38, the Kiblers, Hammers, Cummins, and others moved in. In 1837, Mr. F. J. Hammer commenced and built a little mill (he being a millwright) on Crooked Creek to grind corn; afterward he attached a saw to it. There are now in the township nine persons each over seventy years old, and all have been in the township over forty years; thirty-five persons who are over sixty years

old, and each has been in the township over thirty years; forty-two persons who are over sixty years, and each has been in the township twenty-five years. There are now fifty-four persons in the township that are each over sixty years old. The united ages of the fifty-four are 3686 years. The united time the above persons have lived in the township is, 1,680 years. There is a family of five persons living in the township, whose united weight is 1,131 pounds; the father weighs 191, the mother 225, the son 230, one daughter 210 and a little girl 275 pounds. Daniel Perrine's daughter is eleven years old and weighs 133 pounds; John Kibler's daughter (Rosilla), who is but ten years old, weighs 141 pounds. James Poor is supposed to be the tallest person; he is six feet five inches; William Haynes is forty-two years old, six feet four inches high; has twelve children, one pair triplets. Mr. H. can stand flat-footed and kick seven feet high; he is supposed to be the highest *kicker* in the township. Mr. James Cummins is the father of twelve children, all living, including three pairs of twins in succession, and yet Mr. Solomon Cooper was the father of four children, all born at one birth; but the children only lived a short time. There are other things about Crooked Creek that we would like to give, but haven't room here. All the above are facts, and we put Crooked Creek against the world.

“Grove Township, in the northwest corner of the county, is six miles north and south by eight and one-quarter miles east and west, and has the finest body of prairie of any township in the county, with a fine strip of timber along the Embarrass, on the east side of the township; also, a fine body of timber on the west side, called the Island Grove. It is an elevated piece of land of about 640 acres, entirely surrounded by prairie, and can be seen for eight or ten miles around. There are two or three very large farmers in the township, namely: James L. Crews and A. G. Caldwell, Jr. Mr. Crews is probably the largest farmer and wealthiest man in the township, if not the wealthiest man in the county. There are no towns or post-offices in the township at present, and but one store, that kept by Mr. Myers, who keeps a very good country store. They once had a post-office at Mr. A. G. Caldwell's, but the route being changed, the office was discontinued, since which time they have had no post-office. In 1876, Mrs. Margaret Walton died at the good old age of 103 years. She had been living in the township for thirty years, and had 136 children, grand children and great-grand children. In 1880 Grove had a population of 1,215 whites, and one colored; voted Demo-

cratic, 149, Republican, 87, Greenback, 9—total, 245; value of personal property, \$80,780, real estate, \$191,221—total, \$272,001. It is hard to tell now, just who was the first settler in the township. The Garwoods, Lees and others settled along the river, prior to 1835. In 1836, John Price settled a little above the Garwood mill seat; then came the Wheelers and others, some beginning to settle near the Grove, one man by the name of Shy (a half-breed) built a hut of prairie sod (where Mr. Crews' garden now stands), but the first prairie fire burned his mansion, and he pulled up stakes and moved out west.

“North Muddy Township, just south of Grove, is nine miles north and south by five and one-quarter miles east and west, and is about three-fourths beautiful prairie, which is almost all in cultivation. The timber along Big Muddy Creek (from which the township was named), is mostly white oak, and in places almost as fine as can be found in the county. There are four saw and two grist-mills on the creek. There are some extensive farmers in the township. John Mason and W. C. Gillson are probably the largest farmers in it. The township is improving very fast in real improvements, since the S., E. & S. E. R. R. was built through it. There are four good frame church houses in the township, and it is well supplied with good school houses in every school district. The oldest person in the township is Mrs. Winters (William C. Gillson's mother-in-law), who is eighty-three years old. John Fillinger is seventy-four. Grandison Clark is the heaviest person in the township; his weight is 265 pounds. Asbury Johnson is six feet six inches in height, and yet claims his residence in the township. The vote at the last Presidential election stood Democratic, 143, Republican, 112, Greenback, 5. The census of June, 1880, gave the township 1,255 inhabitants; value of personal property, \$55,613; real estate, \$173,588—total, \$229,201.

“Wade Township, named for Hiram Wade, who was so long Clerk of the county, is just east of North Muddy Township, and in the center of the county, and is about eight and one quarter miles north and south by eight and three-quarter miles east and west, and is the largest township in the county. It is a little over half prairie, about all of which is in cultivation. The timber along the Embarrass River, which runs through the township, has been very fine, but is being sawed up very fast. The river bottom land is the most productive that we have, yet most of it overflows, which makes it hard to keep up the fencing. The prairie is good, and generally



A G Caldwell

more rolling than some land further from the river. There are no very extensive farmers in the township, James E. Freeman being probably the largest. Judge Halley, or John D. Harris (one or the other, some days one, some days the other), is the heaviest person in the township; they weigh each, from 245 to 265 pounds gross. The oldest person in the township is probably Mrs. Banta (Capt. Lawrence Banta's mother), aged, July, 1882, eighty-five years; next is Uncle George Foltz, who is eighty-four. The vote of 1880 was, Democratic, 345, Republican, 273, Greenback, 14—total, 632, and a population at the time (including Newton) of 4,119; value of personal property, \$115,318; real estate, \$317,805—total, \$433,123. The township was first settled in or near where Newton now stands, and, with a few exceptions, by as bad a set of roughs as any new county ought to boast of ever having.

“Willow Hill Township lies due east of Wade and south of Grandville, and if square would be about six and one-quarter miles north and south, and eight miles east and west, and is very evenly divided between prairie and timber. The prairie is about all improved, and but little timber land that is not fenced up. Some of the land is a little flat, but can all be easily drained. There are some very nice farms in the township. John A. Merrick is supposed to be the largest farmer. The township has improved very fast since they got their second railroad, and with one or two good crops, Willow Hill will be booming. The township has ten good school-houses, five church houses, and religious services held in three school-houses; also, two Lodges I. O. O. F., one A. F. & A. M., one Knights of Honor, and one Good Templars. The census of 1880 gives them 1,805 whites, and six colored; total, 1,811 souls. The same year their vote stood, Democratic, 225, Republican, 116, Greenback, 9—total, 351 votes, while they have 379 registered voters. The same year their property was assessed: personal, \$50,174, real estate, \$183,049—total, \$233,223. Their tallest man is Beeler Keeler, who (when straightened out) is six feet, seven inches long. Their oldest person is John Ryan, aged eighty-two years. Abraham Cox is eighty, and Harriet his wife, is seventy-eight, and they have been married over sixty years.

“Saint Marie Township is due south of Willow Hill Township, and is in the southeast corner of the county, is about seven miles north and south, by six east and west, and is mostly timber land, as the Embarrass River runs through the township. There are some very good farms in the township, and it is mostly in cultivation,

except most of the river bottom lands. The township is improving very fast. It had a population in 1880, of 912, and voted, Democratic, 157, Republican, 49—total, 206; value of property the same year, \$176,727 real estate; \$38,427, personal; total, \$215,154. The township was first settled principally by the French, and afterward by Germans, but now has many Americans therein.

“Fox Township, due west of Saint Marie Township, was cut off from Saint Marie Township, December, 1876. It is about seven and three-quarters miles north and south, by five miles east and west, and is mostly beautiful prairie, except a strip of timber on Fox Creek, that runs nearly through the township. The prairie is almost all under cultivation, and also part of the timber. The township is improving very fast, especially in good farms. The land, generally lays well, and is rich. In 1880, they had a population of 782; voted Democratic, 99, Republican 65—total, 164; had personal property to the amount of \$43,010, real estate, \$208,821—total, \$251,831. They have some very good farmers who are noted for never failing to raise a good crop. The first settlers were James Jordan, George Mattingly, T. S. Clark, Boos, Kaufman, etc. Joseph Tade, of West Liberty, is the oldest person in the township, age ninety-one; has never used tobacco or whisky, and is quite lively, and has not an enemy in the world. The future prospects for Fox are very promising.

“Smallwood Township lies due west of Fox, and is seven miles north and south and six miles east and west; is over half prairie, which is about all in cultivation and the timber is mostly fenced. The land lies well and is being better improved every year. There are a few very nice farms in the township, but no railroad, and no post-office in the township at present. They had a population, in 1880, of 1,114; voted 124 Democratic and 113 Republican; had personal property amounting to \$39,607; real estate, \$167,778—total \$207,385. The Woods and Smallwoods were principally the first settlers of the township, and from them it got its name. William Tate, who is eighty-six years old, is the oldest person in the township; Martin Crouse is almost eighty-five. They are well supplied with school and church houses, and are expecting soon to get one or two railroads through the township.

“South Muddy Township is west of Smallwood and in the southwest corner of the county, is seven miles north and south by five miles east and west, and is mostly timber, and is about two-thirds in cultivation, with a few very large and nice farms. The largest farmer is probably George Obert. They have not at pres-

ent any stores, towns, post-offices or railroads in the township, but will probably have one, if not two railroads through it. They had in 1880, a population of 1,003; voted Democratic, 97, Republican 82, and Greenback, 12; had personal property valued at \$26,060; real estate, \$118,559—total, \$144,619. The first settlers, as near as can now be told, were as follows: Jacob Witzerman and Ira Adamson, in 1839. The following parties settled in the township from 1840 to 1844: John Fields, George Dowthet, Archibald Kerl, Joshua Evans, J. Bates, John and Howard Chestnut, W. H. Lewis; and two of Mr. Lewis' brothers, who were afterward accused of dealing too much in horses by moon-shine, and they left their country for their country's good."

PUBLIC BUILDINGS.

Court House.—The position of the first Board of County Commissioners was not an enviable one. The whole machinery of county government was to be organized and set in motion, and there was but very little money with which to accomplish it. The Court and Commissioners found their first accommodations at the house of L. W. Jordan, while the various officials kept their records at their homes. This was not for a great time, however. By the latter part of the year, a log building erected at a small cost stood on the southwest corner of Washington and Jackson streets, and was called by common consent the court house. The first mention of this building is found in the records under the date of March, 1835, and besides this record no mention is made of it. In December, 1839, the project of building a new court house was broached, and at this session the board decided upon the plan of the new edifice. It was to be of brick forty feet square and two stories high; the walls of the first story to be ten feet high and thirteen inches thick, and of the second story eight feet high and nine inches thick. It was to contain five rooms, two below fifteen feet square, "a hall between at the entrance of the door," and "two rooms above, and the hall before mentioned." Above this was the attic, making the five rooms. The specification also required twenty-three windows of twenty-four lights each; window, door frames and shingles to be made of black walnut. A "balcony" was also to be constructed on the top of the building, seven feet high and five feet square, and covered by a square roof. The contract for this structure was, in the following March, given to Benjamin Harris, for \$2,875. In the following September, a disagreement arose between the contractor and board, and the plan was modified. The size was changed to thirty-two by forty feet; the dimensions of the walls of the first story were changed to thirteen feet high and eight-

een inches thick, and the second story thirteen inches thick. The attic was to be lighted by a large half circle window and the structure to front to the north. Under this change the building was pushed forward and accepted in a partially completed condition, in November, 1841. It appears that there was a lack of funds, and for nearly a year it was without windows or furniture. In the following March, the records give evidence that the building was suffering from the stress of the weather and in a decayed condition. An effort was made to have it painted but there was no money. Recourse was had to the school fund, and an attempt was made to realize \$200 by the sale of school lands, but this proved abortive. In June, 1843, the records recite the same condition of affairs, and it was not until a year later that the building was completely enclosed. At this time it was decided to cover twenty-seven feet of the lower room floors with stone. During 1844, shutters were added, and yet the building was far from complete. In the records of June, 1847, sundry citizens petition the board to allow them to contribute money enough and bring the bonds of the county sufficient to complete the court house up to par. The cost of this work was computed at \$300, and the value of the bonds at fifty per cent. This left \$150 to be raised by contributions, but this was not raised, as the Legislature in February, of this year, authorized the county to raise the money by borrowing, and a contract was let for \$590 to put the building in complete repair. A fence was added at a cost of \$60. Even then, the building seems to have been in a chronic state of decay, and scarcely a session passed without some appropriation for its repair. At the March session of 1866, \$400 were appropriated for this purpose. With considerable expenditure for minor repairs, the building lasted until 1876, when the old building was decided to be unsafe for further use, and a committee appointed to inspect the new court house at Olney, and similar buildings elsewhere, and ascertain the cost of erecting a new one at Newton. The one at Olney became the model, and bids were invited for the construction of a similar one here.

In September, 1876, bids were examined, presented by John Barlow, of Olney, for \$32,000, to which were to be added for four furnaces, \$850; for furniture and seats, as Olney, \$2,800, and for grading and paving, \$800, making a total of \$37,950. W. E. Gray, of Alton, Ill., bid \$32,064; Casper Nolte, \$30,796.29; G. Gaddis, \$29,500; J. I. Lagrange and Charles Eppinghowser, \$32,000. The latter submitted drawings of the present superstructure, and called attention to their bid by some explanatory notes, "stating distinctly that

the building, as proposed, contains the following advantages over and above the Olney court house, to wit: I. A solid stone foundation. II. Stone jambs and extra stone string corners around the entire building. III. Fireplaces in chief apartments, heavy corner piers which contain ventilating flues. IV. Four large windows in second story hall. V. The tower is framed clear down to ceiling joists of roof. VI. The dome is covered with tin and galvanized iron work, such as cornice brackets, columns, panels, etc. VII. The dome is crowned with a life-size statue of Liberty cast in spelter metal, which never rusts nor corrodes. VIII. The cornice on gable is ornamented with galvanized iron panels. IX. The gable is provided with such scroll work to ventilate under the roof and ornament the gables. X. The slate roof is of the ornamental French slate in different colored slates and patterns. XI. The front porch is provided with a floor of stone along the entire front of building." Without these "extras" the bid was reduced to \$28,000.

After some minor changes, the contract was awarded to the firm of Lagrange & Eppinghowser, for \$34,165, which was to be paid in county bonds, the county authorities to afford them every facility to a successful negotiation of them. In the following April, however, the board agreed to pay the contractors cash, the latter discounting their price \$1,000. The county thereupon issued some \$16,000 in bonds, which they sold to James Mason, the highest bidder. In May, 1878, the building was finished and accepted, and is a structure of which the county may well be proud. There are six large, commodious offices on the first, with a good sized court room and six large rooms on the second floor. The whole structure, while ornamental as well as substantial, is conveniently arranged and excellently adapted for the purposes for which it was designed. In repairing the dome to stop certain leakages, the anchorage was weakened, and in 1880, the dome was considered in danger of blowing down in the event of a high wind. This damage was repaired by some rather crude bracing, which detracts from the ornamental character of the dome, and gives it the appearance of a partially completed work. With this exception, the building is in good repair, and apparently but at the beginning of a long period of usefulness.

The Jail.—The community first gathered in the county was such as to need the salutary restraint of a place of confinement, and one of the first public buildings was a jail. Like the court house, the first structure erected for the detention of criminals was a rude affair constructed

of logs by L. W. and James Jordan, for which the county paid \$370. This building stood on the west side of the public square, and consisted of a stout log pen, with no openings in the sides save such as were needed for air. Access was gained by means of a trap-door on the top, which was reached by means of a ladder. At a later date, it is said, this door was held closed by sundry logs piled upon it to resist the attempts of those confined in the cell to gain their freedom. The prisoner was taken to the top and lowered by a rope, or otherwise, to the cell, and for some years this contrivance answered the purposes of a jail very satisfactorily. The building was finished in the early summer of 1835, and served without considerable repairs until 1839, when it was weather boarded and banked about with dirt to the width of eight feet. In 1851, this building was reported by the grand jury as insecure. The floor timbers were found to be rotten, and the whole structure sadly out of repair. It was, therefore, decided to repair it with heavy two-inch planks and otherwise, at a cost of \$22.

In 1856, this topic again became prominent, and the Board, rising to the demand of the occasion, record the following high sounding *pronunciamiento*: "Whereas, it appears that the present jail, in the town of Newton, is in a very dilapidated state, and unfit for the indwelling or abode of prisoners who may be arrested for the perpetration of crimes, etc.; and in order that a sufficient depository be provided," etc., the Board "thought proper to build a superstructure of the following description, to-wit: To be built of stone, two stories high, the first story to be eight feet between floors, the second story to be seven feet between floors; the first story to be of large hewed stones, well fitted together with good lime mortar; to be set into the ground according to the direction of the committee hereinafter appointed for that purpose; the wall to be two feet thick, with sufficient iron grates for light and ventilation; the wall of the second story to be one foot and six inches thick, also built of good dressed stone and mortar as before stated; the under floor to be made of stone, one foot thick, solid stone; the second floor of hewed timber, ten inches thick, and not to be less than ten nor more than fifteen inches in width; to be of good sound white or burr oak or walnut; the roof to be raftered with good durable timber, and covered with black walnut shingles, of sufficient thickness to make a light strong roof; the third floor to be laid of two inch oak boards, well dressed, not to exceed seven inches in width; the door to be made of good durable timber, sufficiently strapped with

iron, with a sufficient lock and key to be made by a skillful workman; a trap door to be made in the center of the second floor, to be made in like manner."

This structure, which embodied the principles of the first jail, was 16x20 feet in size, and was located on Jackson Street, north of the public square. There was frequent use for it, and the lock, which it was stipulated should be made "by a skillful workman," proved recreant to its trust on its first trial. A stave had been carelessly left in the upper room, and with this the prisoner shot back the bolt and deliberately walked up town. From this time until 1858, the "Stone Jail" was used as a "depository for prisoners who were arrested for the perpetration of crimes," etc., with varying assurance of finding them when required. In June of this year, however, the grand jury found the upper room unfit for the purpose, and filthy; the lower room, it was reported, would keep prisoners if well guarded by officers, provided the occupants had no friends outside; otherwise the stronghold and officers were of no avail. Upon the return of this report, the County Court forthwith ordered the building sold so as to bring the largest possible returns to the county. O'Kean was appointed to consummate this sale, but he reported at the next session of the court that it could not be profitably disposed of, when the court ordered the structure patched up with planks. So, until January, 1872, the stone jail represented the retribution power of the county. At this date a new jail was projected, a plan agreed upon, and the contract let to John J. Rider and Charles Guthrick. The present brick structure on the southeast corner of the public square is the result of this action. It is 45x28 feet, with jailor's apartments below and four iron cells above. The original cells were constructed with a quarter inch boiler iron top and bottom. These and the building, with eight iron bed-steads, a furnace in the cellar, etc., were contracted for at a cost of \$9,500, and the whole structure accepted in May, 1873. The cells were subsequently found defective, and in 1882 two iron cells and a corridor were constructed by P. J. Pauley & Bro., of Saint Louis, at a cost of \$3,000. The work was accepted December 22, 1882.

The present jail cannot be said to be well placed or to be in keeping with the enterprise and taste displayed in the construction of the court house. The jailor's quarters are hardly less confined than those of the prisoners, and are so placed in front of the whole town as to afford no retirement to its inmates whatever. The prison part is up to the latest improvements in its furniture and

arrangement, but lacks in capacity, one would think, when it is considered that the municipal authorities have the use of the cells.

County Charities.—The care of the pauper population is a subject that taxes the best statesmanship to the utmost, and the administration of county boards is not always shown in a favorable light by the treatment of this subject. To relieve the worthy poor in such a way as to add no disgrace therewith, and to avoid giving encouragement to indolent indigence, is not an easy matter to put in practice by means of public charities even when supported by large endowments and guided by wealthy philanthropists. In Jasper County the poor have been farmed out from the beginning. While this system is open to many serious objections, it does not seem to have resulted poorly here. At first, persons supported at public expense were contracted to the lowest bidder, and the advertised "sale of paupers" was calculated at first glance to startle the uninitiated. The care of the poor in this way fell to various persons more or less interested in their welfare, but as the pauper class increased in numbers, and many who had no relatives in this part of the world were added, their support became more entirely a matter of profit and loss. Thus it occurred later, that some one with extra facilities for the purpose, contracted to care for the whole pauper charge of the county. The conditions of the contract required the contractor "to receive all paupers of the county, as well as all insane or idiotic paupers not otherwise provided for by the county," and "to provide a secure and separate room for such idiots and insane paupers as he may at any time have on hand; also all foreign or transient paupers, idiots and insane persons that may require assistance from the county when notified by any one or more of the supervisors of said county, and said contractor shall be responsible to the board of said county for all charges that may accrue after he shall have been notified, until he takes them under his care; also for the burial expenses of all paupers, idiots and insane persons who may die in the county, when notified, provided he may be so notified before said pauper or insane person or persons die." The contractor was further obliged to provide "comfortable and decent clothing," "good and proper medical attendance," and to bury such as died in a "respectable manner." For all this the contractor received *two dollars and a half per week* for each pauper.

It can hardly be said that the results achieved were worthy of high praise. One contractor constructed buildings which satisfied the demands of the official interpretations of "comfort and decency,"

and so he monopolized the business of caring for the poor for a number of years. In September, 1880, a farm of 160 acres was purchased at a cost of \$2,000. Upon this property suitable but cheap buildings have been erected, and the method is to give the contractor the use of the farm and pay a price per week for each pauper varying from \$1.60 some years, to \$2 at other times. In addition to this, some help is rendered families who are temporarily in need, and the service of a physician is contracted for all within an area of sixteen square miles about the county-seat, at a gross sum for the whole.

COURTS AND CRIME.

The first term of court was held at Newton, on March 30, 1835 Justin Harlan presiding as Judge, and O. B. Ficklin attending as State's Attorney. Lewis Jordan presented his bond as Sheriff, and the court appointed John Barnes to the office of Clerk of the Court, to hold the same during his good behavior. The composition of the first juries is noted in the preceding pages. It is said that the grand jury held their session under a tree in the vicinity of Jordan's house, when the court convened. Their session was of short duration, however, as the record concludes as follows: "This day the grand jury came into court, and having had no business and not having a prospect of any, were discharged." At the October term Judge Alexander F. Grant presided. At this term indictments for "fornication" were returned against John Imlow and Trapheny May, and an appeal case, Lorenzo D. Skidmore against John Harmon, was decided by judgment for the plaintiff, for \$3.87. The first chancery business appears in the records under date of 1836, in an action by Lott Watts, administrator of F. Claycomb against heirs of F. Claycomb, deceased, to sell lands, etc. The case against Imlow was brought to trial and the defendant found guilty, though the case of Trapheny May was continued on the presentation of a demurrer, and was eventually never brought to trial. This one-sided justice may perhaps be explained upon the fact stated by Judge Ficklin, that the petit jury was composed of many of the indicting grand jury, who, for the sake of consistency, brought in a prompt verdict. The criminal docket for a number of years rather exceeded the civil calendar in the number of cases. Among the earlier presentments are noted indictments for "rioting," "altering marks on hogs," "trespass," "larceny," "assault with intent to murder," "recognizance to keep the peace," "trespass, *vi et armis*," "assault with deadly weapons," "open lewdness," "riot," etc. The crimes charged appear in the records

in the above order, but too often with a scandalous frequency of repetition of "assault and indecency." If the dockets of the local magistrates could be read, this record would be lengthened and its characteristics intensified.

The general testimony of records and tradition is that Newton bore the reputation of a community bordering on outlawry. It is even suggested that some of the most violent here in an early day were some who had left their early homes in Kentucky to avoid the consequences of their violent conduct. At all events, the society of Newton from 1835 to 1840 was a successful organization against the encroachments of civilization. About the latter date some few representatives of muscular Christianity came into the county, and a contest between the two social systems at once sprang up. Between these opposing forces the courts stood the legal, but too often the ineffectual arbiter. The juries were too much in sympathy with the lawless majority to bring in a just verdict, and the courts strongly imbued with the free and easy spirit of the frontier did little to impress the people with the majesty of law. Out of court the judges mingled with lawyers and jury and vied with the most expert liar in telling stories of frontier exploits. Judge Harlan, who presided over this circuit for several years, was respected as an upright judge and sound lawyer, but his stories, though told with all the gravity and earnestness of legal decision, were accepted with many grains of allowance. In court, the early judges frequently assumed powers that were extra-judicial to say the least, but were generally maintained by the gravity with which they imposed their dictum upon the less distinguished bar. It is related, on one occasion a lawyer was citing a recent act of the legislature in regard to some feature of the case in hand. Judge Harlan listened to the citation, and with an exclamation of disgust, said: "The legislature cannot be fool enough to pass such an act as that," and forthwith overruled it, to the no little chagrin and dismay of the attorney. It is said that the legislature concurred in the good sense of Judge Harlan, and repealed the act at the next session. Judge Wilson succeeded Harlan on this circuit.

He is represented as a great stickler for the respect due to the court and to himself as Judge. It is related on one occasion, while the whole Court and Bar was in procession, moving from one appointment to another, a lawyer, possessed of a spirited span of horses, tired of the slow jogging pace with which Wilson lead the way, turned out and soon let the dust of his team fly in the "Court's" eyes.

A few miles beyond a town was reached and dinner served. Here the Judge took occasion to administer a rebuke to the presumptuous attorney, and lecture him upon the respect due the court. He could forget this dignified bearing, however, when occasion offered. One day in Court at Newton, it is said, the lie was given by some of the contestants in a case. All was uproar in a moment, but above the din Wilson could be heard shouting: "Mr. Sheriff, the d—d lie has been given! adjourn the Court! adjourn the Court!" and the fight proceeded.

It is difficult to believe the tales of lawlessness that are related of the early days of Newton, but some are so well authenticated that it is impossible to refuse them credence. About 1840-45, a case was brought before the local magistrate, where the defendant was permitted to carry his shot gun into the court room to guard an attempt upon his life. The gun was well loaded and placed in a corner of the room, near at hand, but becoming interested in the case and while giving evidence, the other parties to the case quietly seized the gun and were about to shoot its owner when bystanders interfered, and the load was discharged in the ceiling. These offenders were John and Samuel Pullice, noted for their reckless exploits. It required several men to overpower them and commit them to the jail. Subsequently, these men were released, when they at once set about carrying into effect the threat which they had made to kill the persons instrumental in thwarting their vengeance in the court room. Fortunately their victims "got the drop on them," and the awkwardness of the position was relieved by the retreat of the avengers. A message was sent them, however, that night, that if they did not decamp they would both be waylaid and killed before the end of another day. They left for the time, and one by one the terrorists of the day were driven out, or conquered by the only means which they feared or employed against others.

The more violent forms of lawlessness ceased with the death or removal of the leading spirits of the ruffianly cabal that early held sway, but all forms of larceny, from a petty theft to the stealing of horses, and even houses, were unfortunately common up to the beginning of the war. An unique case of theft was the stealing of a brick house, which occurred about this time. Bricks were very high in price and scarce in the county at that time, and unprotected property offered a temptation that the average morals of the people could not resist. A new brick dwelling had been erected by a Mr. Wood, who resided in Indiana. On completing his house, Mr. Wood went

to bring his family here, but in the meanwhile his wife died, and he was forced to modify his plans. His property was left in the care of Mr. T. J. Martin, who was astonished to soon learn that the whole end of the house had been stolen. Before spring every vestige of the house from chimney top to foundation stone was stolen, the material finding its way into various structures, a part finding its way, innocently, into the chimney of a church. This was done within four miles of the county-seat, and strange to say, neither the owner or agent was able to discover the despoilers of the property. Similar outrages were perpetrated wherever a house was temporarily abandoned, the chimneys of a house, almost within the limits of the village, being stolen.

COUNTY OFFICIALS.

The general affairs of the county were administered at first by three Commissioners, elected for the term of one year. In 1838, this was changed by the election of three to serve for one, two and three years, respectively, the term of each one to be decided by lot. Thereafter the term was to be three years, and but one member of the Board to be elected each year. The first election in January, 1835, resulted in the selection of Richards, Mattingly and Claycomb. The regular election occurred in the following August, when Richards, Mattingly and Wade were returned. The Commissioners of the county therefore have been as follows: 1835—William M. Richards, George Mattingly, F. W. H. Claycomb, L. D. Wade; 1836—Thomas Garwood, Benjamin Lamb, Jesse M. Heard; 1837—Michael Grove, Lamb and Heard; 1838—Richards (for two years), Grove (for one year), Robert Ross (for three years); 1839—John I. Pullis; 1840—Stephanus Hunt; 1841—William H. Stephens; 1842—Samuel Garwood; 1843—John Roberts; 1844—Felix Brownfield; 1845—John Bussell; 1846—Richard Vanderhoof; 1846, William Hunt was elected to fill vacancy caused by the resignation of Brownfield; 1847—Christian W. Sharriek; December, 1847, John Roberts was elected to succeed Bussell, who resigned; 1848—Michael Grove.

April 13, 1849, the Act of the Legislature, establishing a County Court in each county, passed February 12, 1849, went into effect. By this act the regular election was put on the Tuesday after the first Monday in November. This court consisted of a Judge and two Associates, who held their offices four years. This court was "vested with all the powers and jurisdictions of the Probate Court, as now (then) established by law, and appeals may be taken from and writs

of *certiorari* prosecuted upon its judgments, rendered under the powers conferred in this act, in the manner prescribed by law, in case of similar judgments render by the Probate Court. The County Court shall have concurrent jurisdiction with the Circuit Court in hearing and determining all applications for the sale of real estate of deceased persons, for the payments of debts of said decedents, and may make all orders and render all judgments on such applications that the Circuit Court might or could make, or render in similar cases. And the orders and judgments of said court shall have the same force, power, and effect as the orders and judgments of the Circuit Court in like cases; and final process may issue as from the Circuit Court.

“SEC. 14. The County Judge shall be a conservator of the peace, and shall have the same civil and criminal jurisdiction as the Justices of the Peace in this State; and shall have the same power and authority to preserve order in the court, and punish contempts offered the court while in session, that the Circuit Court now possesses.

“SEC. 15. The said Judge, with two Justices of the Peace, designated and provided for, shall, in all cases whatever, set as a County Court; have, exercise and possess all the power, jurisdiction and authority heretofore conferred by law on the County Commissioners' Court of this State; and shall sit for the transaction of county business on the first Mondays of December, March, June, and September, in every year, and shall continue open until all the business before them is disposed of,” etc.

Under this act the following Judges were elected, November, 1849: William Bridges, Judge, and James E. James, and H. S. Stump, Associates. In 1853, A. R. Bridges, who was elected to fill the vacancy caused by the death of William Bridges, was elected Judge for a full term, with Benjamin Leaman and William Hutson, as Associates. 1857—William S. Lee, Judge; William H. Eidson, and Armstead Ward, Associates.

In 1859, township organization put an end to the County Court, and the following Supervisors have served the various townships: For Willow Hill Township—J. P. Madden, from 1860 to 1861; James Stewart, 1862; John Halterman, 1863; S. B. Parr, 1864; J. H. Brinson, 1865; J. C. Ireland, from 1866 to 1867; James Stewart, 1868; Thomas Neal, 1869; T. K. Miller, 1870; Abram Ridlen, from 1871 to 1873; George Trowbridge, from 1873 to 1874; J. H. Brinson, from 1875 to 1876; J. C. Ireland, from 1877 to 1878; Milton

Sims, 1879; C. L. Whitacre, 1880; Samuel Bowman, 1881; C. L. Whitacre, 1882; G. M. Selby, 1883.

Smallwood Township—Daniel T. Hinds, 1860; Philetus S. Needham, 1861 to 1862; John Brown, Sr., 1863 to 1865; Jesse Kellum, 1866 to 1867; J. J. Sampson, 1868; D. T. Hinds, 1869; Samuel King, 1870; John W. Hovey, Jr., 1871; Milton Monroe, 1872; Peter Jackson, 1873; Lyman Randall, 1874 to 1875; John Brown, 1876 to 1877; A. A. Hawkins, 1878 to 1880; John Breadlove, 1881 to 1882; Thomas J. Kirk, 1883.

South Muddy—William Wood, 1860 to 1862; Walter Pruett, 1863 to 1865; Eli Devore, 1866 to 1867; Walter Pruett, 1868; Hezekiah Hastings, 1869; David L. Johnson, 1870; H. Hastings, 1871; Israel I. Whaley, 1872 to 1874; Robert G. Scott, 1875 to 1876; George Obert, 1877; J. W. Lewis, 1878; Lyman Randall, 1879 to 1880; W. P. Wakefield, 1881; J. H. Mahoney, 1882 to 1883.

Grandville Township—Stephen Stevens, 1860 to 1862; Zimri Hunt, 1863; Israel Jared, 1864 to 1866; Henry Clark, 1867; Z. H. McCubbins, 1868 to 1872; Jos. Leamon, 1873 to 1876; C. F. M. Morey, 1877 to 1883.

Crooked Creek Township—Reuben Carr, 1860; Michael Lyda, 1861; Uriah Hunt, 1862; A. P. Broadereck, 1863 to 1865; J. L. Elder, 1866; William McElwee, 1867; Jos. Cummins, 1868 to 1869; Elijah Moore, 1870; Jos. Cummins, 1871; J. M. Melton, 1872 to 1873; William M. Jones, 1874; J. M. Melton, 1875; William W. Hays, 1876; John M. Melton, 1877; Jos. Cummins, 1878 to 1882; Thomas J. Warren, 1883.

Grove Township—A. M. Eagleton, 1860; James L. Crews, 1864; resigned and on June 21, A. H. Strode was appointed; James L. Crews, 1865 to 1866; George Kibler, 1867; James L. Crews, 1868; D. P. Smith, 1869; Silas W. Wishard, 1870 to 1871; Jas L. Crews, 1872; Lewis Epperson, 1873 to 1875; James L. Crews, 1876 to 1877; D. P. Smith, 1878; Noah D. Myers, 1879 to 1881; A. L. Newlin, 1882; A. D. Kibler, 1883.

North Muddy—Thomas Foster, 1860; Ogden Monnell, 1861; S. B. Smith, 1862 to 1866; John O. Wheeler, 1867 to 1868; Adam Halem, 1869; W. H. Ward, 1870 to 1871; William G. Gilson, 1872; John Mason, 1873 to 1876; William Gilson, 1877; J. W. Honey, 1878; Alexander Wilson, 1879 to 1883.

Wade Township—John Brooks, 1860 to 1865; George W. Blair, 1866 to 1867; John Dumont, 1868 to 1870; J. Q. Webb, 1871; Fuller Nigh, 1872 to 1873; John Schackman, 1874; S. R. Barker, 1875

to 1878; John Dumont, 1879 to 1880; John H. Maxwell, 1881 to 1882; S. R. Barker, 1883.

Saint Marie Township—Jos. Picquet, 1860 to 1862; S. B. Crowley, 1863; Jos. Picquet, 1864 to 1866; James McVey, 1867; Jos. Picquet, 1868 to 1871; Thomas Gibson, 1872 to 1873; Jesse R. Johnson, 1874; Thomas Gibson, 1875 to 1876; Daniel O'Donnell, 1877; John J. Rider, 1878 to 1880; Jos. L. Ponsot, 1881; J. E. Jacquet, 1882 to 1883.

Fox Township—Colmore Harris, 1877; S. L. Dickerson, 1878; Joseph F. Compton, 1879 to 1880; Anthony Litzelman, 1881 to 1882; J. L. Jessup, 1883.

The other officials of the county have been as follows:

Sheriffs—Lewis W. Jordan, from 1835 to 1840; Si. Barnes elected but could not fill bond; the Coroner, Jonathan C. Connelly, served to 1841; James Bridges, to 1846; W. J. Arnold, to 1848; Jacob L. Wagner, to 1850; Christian Sharrick, to 1852; Jacob L. Wagner, to 1854; John Kern, to 1856; J. E. James, to 1858; T. C. Melton, to 1860; William Shup, to 1862; Fuller Nigh, to 1864; Harvey Love, elected, but died; John L. Elder, to 1868; S. B. Crowley, to 1872; James Cummins, to 1874; J. W. Selby, 1879, then ran off; Eugene Hartrich, to 1880; William Trainor is the present Sheriff.

Circuit Clerk—Did the business for both County and Circuit Courts. First Clerk, John Barnes, appointed in 1835, and in 1838, he ran off; Hiram Wade was appointed, and held the office until 1857, when the office was divided; E. W. Curtiss was elected County Clerk, and held the office until 1869, when Robert Leach was elected, and held the office to 1873, when H. K. Powell was elected, and is still County Clerk. William M. Jones was elected Circuit Clerk in 1857, and served to 1868, then Ogden Monell was elected, and served to 1872, then W. G. Williams was elected, and is the present Clerk.

County Treasurers—The County Commissioner appointed Timothy Garwood County Treasurer in 1835, and in 1837 they appointed L. D. Wade; in March —, Z. S. Freeman was appointed, and in August the same year, W. J. Arnold was appointed; in March, 1839, G. S. Freeman was appointed; in August, 1840, W. J. Arnold was elected; in 1841, Charles Guthnick was appointed, and in January, 1842, he resigned, and March 15th, M. O'Kean was appointed and elected until 1857, when William M. Jones was elected; in 1859, Mordecai Bartley was elected; in 1861, John C. Brockman was elected; in 1865, Robert Leach was elected; in 1869, S. R. Barker; 1871, Samuel Brewer was elected, but left the county, and W. L.

Heath filled out the time; in 1873, D. P. Smith was elected; in 1875, W. L. Heath was elected, and again in 1877; in 1879, D. P. Smith was elected, and is the present Treasurer.

Surveyors—There seemed to be no regular Surveyor, as the board, it appears, appointed a special one for special occasions until 1843, when William Bridges came in and held the office until 1851, when Levi Barnes was elected, but resigned, and Calvin Maxwell filled out his time; 1853, A. W. Ball elected; 1855, John M. Love elected; 1857, Robert Leach elected, and held the office until 1863, when William Kilgore was elected, and held until 1871, when S. B. Brown was elected, and held until 1879, when William Kilgore was again elected, and is yet Surveyor.

County Judges—W. S. Lee, Judge, from 1857 until 1864, when J. E. James was elected, and held to 1872, when William Carter was elected, and died in 1876, when R. B. Moffitt was elected to fill vacancy; in 1877, James W. Gibson was elected, and (1882) is the present Judge.

School Commissioners—1838, Lawrence Hollenback appointed; September, 1839, Lewis W. Jordan; 1841, Jordan removed and James Bridges appointed; February 5, 1842, M. O'Kean was elected, and was County Treasurer at that time, and in August, Samuel Garwood was elected School Commissioners; in 1843, M. O'Kean came in again; William Nigh, elected November, 1857, and died December of same year; Winston Mayo appointed January, 1858, to fill vacancy; 1859, I. H. Walker, elected; 1861, Joseph Schifferstein elected; 1865, I. H. Walker again elected; 1869, P. S. McLaughlin; 1873, C. S. James; 1877, J. F. Arnold, and appointed by the Supervisors in 1881, for one year, and re-appointed for 1882 and 1883.

State's Attorneys—Prior to 1872, the State's Attorneys were elected for several counties, or for a district; J. P. Harrah elected in 1872; G. W. Fithian elected in 1876, and again in 1880, and is the present State's Attorney.

Coroners—There seems to have been no records kept of Coroners until 1866, when J. W. Williams was elected; 1872, George R. Weller was elected; 1873, Charles Yelton; 1874, J. B. Harris; 1876, John Kern, (he died); 1877, A. B. Faller; 1878, Phillip Krebs; 1880, J. E. Stretcher (he died), and in 1881, Phillip Krebs was again elected, but subsequently moved to Kansas, and Jos. W. Hessler was elected in 1882.